

Appl. No. 10/740,261
Atty. Docket No. 9475
Response dated May 24, 2006
Reply to Office Action of March 31, 2006
Customer No. 27752

REMARKS

Rejections Under 35 USC §103(a) Over U.S. 5,538,595 in view of
U.S. Patent No. 5,350,624 or U.S. Patent No. 6,617,490

Claims 1, 5-6 and 17-22 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan et al. ("Trokhan") in view of U.S. Patent No. 5,350,624 to Georger et al. ("Georger") or U.S. Patent No. 6,617,490 to Chen et al. ("Chen"). The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes short cellulosic fibers. The Examiner further asserts that Trokhan discloses that synthetic fibers may be utilized in combination with the cellulosic fibers. However, the Examiner recognizes that Trokhan does not teach the arrangement of the synthetic fibers in relation to the cellulosic fibers. The Examiner asserts that Georger and Chen each teach that it is known in the art to arrange cellulosic fibers and synthetic fibers in a non-random pattern. Accordingly, the Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the cellulosic fibers and synthetic fibers in a non-random pattern.

Applicants respectfully disagree with the Examiner's conclusion. Applicants submit that Georger and Chen both fail to overcome the deficiencies of Trokhan because both Georger and Chen fail to teach that the cellulosic fibers and synthetic fibers are arranged in a non-random pattern within the same layer. Applicants acknowledge that both Georger and Chen teach fibrous structures with cellulosic fibers and synthetic fibers, however, Applicants submit that their "non-random pattern", if any, exists as a result of the cellulosic fibers and synthetic fibers being in different layers, not within the same layer. Accordingly, Applicants respectfully submit that Claim 1 is not rendered obvious over the teachings of Trokhan, alone or in combination with the teachings of Georger and Chen because the combined teachings fail to teach each and every element of the claimed invention as claimed in Claim 1. MPEP 2143.03. Further, Applicants submit that Claims 5-6 and 17-22, which ultimately depend from Claim 1, are not rendered obvious over the combined teachings of Trokhan, Georger and Chen. MPEP 2143.03.

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Claims 2 and 3 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan in view of anyone of Georger or Chen, all of which are discussed above, and further in view of U.S. Patent No. 6,548,731 to Mizutani et al. ("Mizutani").

Applicants respectfully submit that Claims 2 and 3, which ultimately depend from Claim 1, are not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Mizutani for the same reasons that Claim 1 is not rendered obvious over the combined teachings of Trokhan, Georger and Chen. MPEP 2143.03.

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan in view of anyone of Georger or Chen, all of which are discussed above, and further in view of WO 93/14267 to Manning ("Manning").

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, are not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Manning for the same reasons that Claim 1 is not rendered obvious over the combined teachings of Trokhan, Georger and Chen. MPEP 2143.03.

Claim 9 is rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan in view of anyone of Georger or Chen, all of which are discussed above, and further in view of U.S. Patent No. 4,202,959 to Henbest et al. ("Henbest").

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, is not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Henbest for the same reasons that Claim 1 is not rendered obvious over the combined teachings of Trokhan, Georger and Chen. MPEP 2143.03.

Claims 13 and 14 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan in view of anyone of Georger or Chen, all of which are discussed above, and further in view of U.S. Patent No. 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw et al. ("Kershaw").

Applicants respectfully submit that Claims 13 and 14, which ultimately depend from Claim 1, are not rendered obvious over the combined teachings of Trokhan,

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Georger, Chen and Vinson and/or Kershaw for the same reasons that Claim 1 is not rendered obvious over the combined teachings of Trokhan, Georger and Chen. MPEP 2143.03.

Claims 1-3, 5-6 and 17-22 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan et al. ("Trokhan") in view of U.S. Patent No. 6,548,731 to Mizutani et al. ("Mizutani"). The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes short cellulosic fibers. The Examiner further asserts that Trokhan discloses that synthetic fibers may be utilized in combination with the cellulosic fibers. However, the Examiner recognizes that Trokhan does not teach the arrangement of the synthetic fibers in relation to the cellulosic fibers. The Examiner asserts that Mizutani teaches that it is known in the art to arrange cellulosic fibers and synthetic fibers in a non-random pattern. Accordingly, the Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the cellulosic fibers and synthetic fibers in a non-random pattern.

Applicants respectfully disagree with the Examiner's conclusion. Applicants submit that Mizutani fails to overcome the deficiencies of Trokhan because Mizutani fails to teach that the cellulosic fibers and synthetic fibers are arranged in a non-random pattern within the same layer. Applicants acknowledge that Mizutani teaches fibrous structures with cellulosic fibers and synthetic fibers, however, Applicants submit that its "non-random pattern", if any, exists as a result of the cellulosic fibers and synthetic fibers being in different layers, not within the same layer. Accordingly, Applicants respectfully submit that Claim 1 is not rendered obvious over the teachings of Trokhan, alone or in combination with the teachings of Mizutani because the combined teachings fail to teach each and every element of the claimed invention as claimed in Claim 1. MPEP 2143.03. Further, Applicants submit that Claims 2-3, 5-6 and 17-22, which ultimately depend from Claim 1, are not rendered obvious over the combined teachings of Trokhan and Mizutani. MPEP 2143.03.

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are discussed above, and further in view of WO 93/14267 to Manning ("Manning").

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Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, are not rendered obvious over the combined teachings of Trokhan, Mizutani and Manning for the same reasons that Claim 1 is not rendered obvious over the combined teachings of Trokhan and Mizutani. MPEP 2143.03.

Claim 9 is rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are discussed above, and further in view of U.S. Patent No. 4,202,959 to Henbest et al. ("Henbest").

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, is not rendered obvious over the combined teachings of Trokhan, Mizutani and Henbest for the same reasons that Claim 1 is not rendered obvious over the combined teachings of Trokhan and Mizutani. MPEP 2143.03.

Claims 13 and 14 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are discussed above, and further in view of U.S. Patent No. 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw et al. ("Kershaw").

Applicants respectfully submit that Claims 13 and 14, which ultimately depend from Claim 1, are not rendered obvious over the combined teachings of Trokhan, Mizutani and Vinson and/or Kershaw for the same reasons that Claim 1 is not rendered obvious over the combined teachings of Trokhan and Mizutani. MPEP 2143.03.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §103(a). Early and favorable action in the case is respectfully requested.

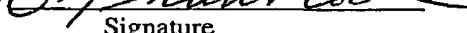
This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-6, 8-15 and 17-22 are respectfully requested.

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Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



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